

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VALORIE WINN,
Plaintiff,
v.

MONDELEZ INTERNATIONAL, INC., et
al.,
Defendants.

Case No.17-cv-02524-HSG

ORDER STAYING CASE

Re: Dkt. Nos. 35, 36

On June 28, 2018, the Court denied Plaintiff Valorie Winn's motion to remand. *See* Dkt. No. 34 at 1. In that same order, the Court noted that Defendant Mondolēz International, Inc.'s pending motion to dismiss cited to another case pending before this Court: *Backus v. Biscomerica Corp.*, No. 16-cv-3916-HSG. Dkt. No. 34 at 9. On June 22, 2017, the Court stayed the *Backus* case pending decisions in *Hawkins v. Kroger Co.*, No. 16-55532 (9th Cir.) and *Hawkins v. AdvancePierre Foods, Inc.*, No. 16-56697 (9th Cir.), finding that the latter cases "could significantly narrow the issues in [the] case, conserve judicial resources, and avoid unnecessary legal expense." *See* No. 16-cv-3619-HSG, Dkt. No. 45.¹ In light of the similar facts in *Backus*, the Court ordered these parties to show cause why this case should not be stayed pending certain decisions by the Ninth Circuit. Dkt. No. 34 at 9.


On July 13, 2018, the parties filed their responses to the Court's order. Mondolēz requested that the Court stay the case, as the Ninth Circuit's "resolution of the *Kroger*, *AdvancePierre*, and *McGee* actions will likely provide controlling authority in this case." *See* Dkt.

¹ The parties in *Backus* later identified another case pending in the Ninth Circuit that addresses similar allegations: *McGee v. Diamond Foods, Inc.*, No. 17-55577. *See Backus*, No. 16-cv-3619-HSG, Dkt. No. 50.

No. 35 at 1. Plaintiff represented that she “agrees with and joins Defendant Mondolēz International, Inc.’s OSC Response in full.” Dkt. No. 36 at 1. The Court therefore **STAYS** this action in its entirety pending a decision in those actions by the Ninth Circuit. In the interim, if either side seeks relief from the stay for any purpose, it should file a formal motion. The parties are directed to submit a joint status report on the progress of the aforementioned appeals no later than October 17, 2018.

IT IS SO ORDERED.

Dated: 7/17/2018


HAYWOOD S. GILLIAM, JR.
United States District Judge